

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Candido LOPEZ-PEREZ

Case:2:15-mj-30194

Judge: Unassigned,

Filed: 04-22-2015 At 09:52 AM

USA V CANDIDO LOPEZ-PEREZ (CMP)(CMC
)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 13, 2015 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*

8 USC 1326

Offense Description

Illegal reentry after deportation/removal

This criminal complaint is based on these facts:

On or about April 13, 2015, at or near Pontiac, Michigan, in the Eastern District of Michigan, Southern Division, Candido LOPEZ-PEREZ, an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about June 25, 2010 at or near Hidalgo, Texas, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☐ Continued on the attached sheet.

 Complainant's signature

 Brandon Kushel Immigration Enforcement Agent
 Printed name and title

Sworn to before me and signed in my presence.

Date: April 22, 2015City and state: Detroit, Michigan

 Judge's signature

 R. Steven Whalen United States Magistrate Judge
 Printed name and title

AFFIDAVIT

Brandon Kushel, declares the following:

1. I am an Immigration Enforcement Agent with Immigration and Customs Enforcement (ICE), of the United States Department of Homeland Security. I am assigned to the office of Field Office Director Office of Detention and Removal with offices located at 333 Mount Elliott Detroit, MI. I have served with ICE since November 17, 2008. I have successfully completed the Immigration Enforcement Agent Basic Training Course.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. On an unknown date, prior to May 23, 2001, Candido LOPEZ-PEREZ; A200 711 819, a citizen and national of Mexico, illegally entered the United States without presenting himself for inspection at a designated port of entry.
4. On May 23, 2001, Candido LOPEZ-PEREZ was convicted in the Henrico County General District Court, Virginia for the offense of Hit and Run-Property Damage in violation of Virginia Code 46.2-894. For this offense, LOPEZ-PEREZ was sentenced to 12 months incarceration, of which 11 months were suspended.
5. On an unknown date, prior to December 21, 2005, Candido LOPEZ-PEREZ; A200 711 819, a citizen and national of Mexico, illegally entered the United States without presenting himself for inspection at a designated port of entry.
6. On December 21, 2005, Candido LOPEZ-PEREZ was convicted in the Henrico County General District Court, Virginia for the offense of Driving Under the Influence of Alcohol in violation of Virginia Code 18.2-266. For this offense, LOPEZ-PEREZ was sentenced to 12 months incarceration, of which 12 months were suspended.
7. On March 10, 2010, Candido LOPEZ-PEREZ was convicted in the Henrico County General District Court, Virginia for the offense of Driving Under the Influence of Alcohol in violation of Virginia Code 18.2-266. For this offense, LOPEZ-PEREZ was sentenced to 12 months incarceration, of which 10 months were suspended.
8. On April 1, 2010, Candido LOPEZ-PEREZ was apprehended by Immigration and Customs Enforcement (ICE) and served with a Notice to Appear before an Immigration Judge.
9. On May 25, 2010, Candido LOPEZ-PEREZ was ordered removed to Mexico by an Immigration Judge out of Arlington, Virginia.
10. On June 25, 2010, Candido LOPEZ-PEREZ was subsequently removed from the United States to Mexico at Hidalgo, Texas.

11. On an unknown date and at an unknown location, Candido LOPEZ-PEREZ illegally entered the United States without presenting himself for inspection at a designated port of entry.

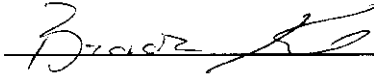
12. On April 13, 2015, officers from the ICE/ERO Field Operations Team North traveled to the address 53 Deerfield Lane in Pontiac, Michigan in search of a targeted criminal alien. A vehicle stop was conducted on a blue GMC pickup truck that was believed to have picked up the targeted criminal alien. The stop was conducted at the intersection of Telegraph and Dixie at or near Pontiac, Michigan at approximately 0745 hours. Candido LOPEZ-PEREZ was found in this vehicle, along with the targeted criminal alien. LOPEZ-PEREZ presented officers with a Mexican voter registration card bearing the name Candido LOPEZ-PEREZ and a date of birth of August 16, 1979. Records checks with the name and DOB provided indicated LOPEZ-PEREZ had been previously removed from the United States. LOPEZ-PEREZ was taken into administrative custody at that time and transported to the Detroit Field Office for processing.

13. On April 13, 2015, after waiving various rights, Candido LOPEZ-PEREZ provided a sworn statement in which he admitted the following: [1] he is a native of Mexico, and has no claim to United States citizenship, although he was previously removed or deported from the United States, on or about June 25, 2010, he returned to this country and [2] in doing so, he did not seek authorization to return to the United States. A preliminary analysis of fingerprints recently obtained from Candido LOPEZ-PEREZ shows that he is the same person who was previously removed or deported from the United States, as described in detail in this affidavit

13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

14. On April 13, 2015, affiant conducted system checks for Candido LOPEZ-PEREZ; A200 711 819, and reviewed the file review of his alien registration file. On April 17, 2015, the alien registration file was received and reviewed by the affiant. There is no evidence to indicate Candido LOPEZ-PEREZ; A200 711 819, has applied for or received permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

15. Based on the above information, probable cause exists to believe that Candido LOPEZ-PEREZ; A200 711 819, has illegally re-entered the United States after deportation/removal, in violation of 8 USC 1326.



Brandon M. Kushel
Immigration Enforcement Agent
Immigration and Customs Enforcement
333 Mount Elliott
Detroit, MI 48207

Sworn to before me and subscribed in my presence this 22nd day of April 2015.



United States Magistrate Judge

4/22/2015

Date